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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,959	06/06/2000	Ari Ikonen		9612

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FOLEY HOAG, LLP
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BOSTON, MA 02110

EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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02/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/587,959

Applicant(s)

IKONEN ET AL.

Examiner

James Sheleheda

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 34-37.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: Note the attached Notice of References Cited (PTO-892).


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's arguments in regards to Heinonen, applicant is once again directed to column 4, lines 48-55, which specifically recites the use of a data adapter for sending data to/from the charger accessory and the mobile phone. Specifically, lines 54-55 clearly recite wherein the data adapter consists of a data card for connecting a computer to a mobile phone. As a data card connection for connecting a mobile phone with a computer, such as a well known PCMCIA card, did NOT transfer power and was solely a data connection, Heinonen clearly provides for a connection between the charger accessory and the mobile phone which did not involve power transfer.

For example, applicant is directed to Patent 5,608,606, which clearly discloses a data adapter card for connecting a mobile phone and a computer (see Fig. 3 and column 3, lines 7-35). The data card, conforming to the PCMCIA standard, provides data connection, and only data connection, between the mobile phone and the computer.

Furthermore, applicant is directed to Patent 5,884,103, which also clearly discloses a data card, or data adapter, for connecting a mobile phone and a computer (see Fig. 3 and column 1, lines 30-50). Once again, the data card provides for only a data connection between the mobile phone and the computer. Furthermore, a data card providing wireless communication between the mobile phone and the computer is described (Fig. 9, column 6, lines 32-66), further evidencing that the data cards known in the art at the time were clearly dedicated to data transmission and not power transmission.

Applicant is directed to Patent 5,636,264, disclosing a wireless data card adapter for allowing wireless communication between a mobile phone and a computer (Fig. 5; column 8, lines 31-67).

Finally, applicant is directed to Patent 5,835,862, disclosing the use of a cellular data card for interfacing between a mobile phone and a computer (Fig. 1; column 1, lines 13-42 and column 2, line 39-column 3, line 42) for transmitting only data between the two devices.

Thus, as Heinonen clearly discloses the use of a known data card as the data adapter between the phone and the charger, there clearly exists a connection between the charger which is utilized solely for data transmission, and not power, as known data cards at this time did not provide both power and data transmission.

Applicant's argument that the modification of Heinonen would not work because Heinonen requires that connector, 32, must provide both power and data is a mischaracterization of the reference, as Heinonen specifically recites the use of a data card adapter connection. Thus, the connector comprises a data only connection between the mobile phone and the charger. This clearly would not preclude an additional power connection, as applicant suggests, as the single connector, 32, would simply consist of multiple outputs for transmitting different signal types. Thus, applicant's arguments that the combination would eliminate the use of connector, 32, is incorrect, as the connector clearly provides for multiple connections between the phone and the charger. This is further seen in a basic form in Fig. 3, as the connector, 32, is shown as utilizing a plurality of separate pins to connect the charger and phone. Thus, with the addition of the data card connection, as specified by Heinonen, the connector, 32, would simply involve specific connections between the phone and charger which are dedicated to different purposes, power vs. data.

As Heinonen system allows for the separate connection of the data and power to the phone, as seen above, the combination of Heinonen with Tran is merely to provide for a specific type of data connection, in this case wireless. This provides the clear benefit of not requiring the phone to be attached to the accessory at all times to allow use of the system, thus ensuring the mobility of the mobile phone. This would not destroy the Heinonen system in any way, as the system would function as normal to charge the phone whenever the phone was attached to the power connection and plugged in for use. This is further evidenced by the fact that Heinonen specifically disclosed the use of known data card adapters, which at the time would include wireless data cards.

Thus, applicant's arguments are not convincing